

REMARKS

In response to the restriction requirement set forth in the communication, Applicant elects to prosecute Group I, Claims 1-8.

In response to the election of species requirement, Applicants elect:

- the gram positive sequence of Spy0160 (PurA)
- the gram negative sequence of Ecs0036 (carB)
- for Gram+ bacteria: SEQ ID NOS: 1-62 and 326-359, more particularly SEQ ID NO: 14 (Bacillus anthracis Sterne)
- for Gram- bacteria: SEQ ID NOS: 194-232, 238-239, 242-254 and 431-442, more particularly SEQ ID NO: 230 (Francisella tularensis strain 4/j7).

Claims 1-8 read upon the elected species.

This election is made without prejudice or disclaimer. Applicant reserves the right to pursue the remaining claims in a divisional application.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

Should there be any questions concerning this application, the Examiner is invited to contact the undersigned agent at the telephone number appearing below. Please charge any

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additional fees, including any fees for additional extension of time, or credit overpayment to
Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

June 11, 2009

By:

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